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असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्रधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह प्रसंग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF FOREIGN TRADE AND SUPPLY

(Department of Foreign Trade)

NOTIFICATION

New Delhi, the 24th October 1969

S.O. 4324.—Whereas the Central Government is of opinion that it is necessary and expedient so to do for the development of the export trade of India, in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), pesticides and their formulations specified in Annexure I to this notification should be subject to quality control and inspection prior to export;

And whereas the Central Government has formulated the proposals specified below for the said purpose and has forwarded the same to the Export Inspection Council as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964;

Now, therefore, in pursuance of the said sub-rule, the Central Government, in supersession of the notifications of the Government of India in the late Ministry of Commerce Nos. S.O. 2148 and S.O. 2149, dated the 19th July, 1966, hereby publishes the said proposals for the information of the public likely to be affected thereby.

2. Notice is hereby given that any person desiring to forward any objections or suggestions with respect to the said proposals may forward the same within thirty days of the date of publication of this notification in the Official Gazette to the Export Inspection Council, World Trade Centre, 14/1-B, Ezra Street (7th floor), Calcutta-1.

Proposals

- (1) To notify that pesticides and their formulations specified in Annexure I to this notification shall be subject to quality control and inspection prior to export;
 - (2) To specify the type of inspection in accordance with the draft Export of Pesticides and their Formulations (Inspection) Rules, 1969, as set out in Annexure III, as the type of inspection which would be applied to such pesticides and their formulations;
 - (3) To recognise—
 - (a) the specifications agreed to between the buyer and the exporter as the agreed specifications for pesticides and their formulations; and
 - (b) in the absence of the (a) above, the relevant Indian Standard Specifications as given in Annexure II to the notification.
 - (4) To prohibit the export, in the course of international trade of any such pesticides and their formulations unless the same are accompanied by a certificate issued by any one of the Agencies recognised by the Central Government under section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) to the effect that the said pesticides and their formulations are exportworthy.
3. Nothing in this notification shall apply to the export by sea, land or air of samples of pesticides and their formulations to prospective buyers, the FOB value of which does not exceed one hundred and twentyfive rupees only.
4. In this notification "pesticides and their formulations" shall mean the pesticides and their formulations specified in Annexure I to this notification.

ANNEXURE I

1. BHC, Technical.
2. BHC dusting powders.
3. BHC water dispersible powder concentrates.
4. BHC emulsifiable concentrates.
5. DDT dusting powders.
6. DDT water dispersible power concentrates.
7. DDT emulsifiable concentrates.
8. Pyrethrum extracts.
9. Dieldrin emulsifiable concentrates.
10. Zinc phosphide.
11. Aldrin emulsifiable concentrates.
12. Aldrin dusting powders.
13. Endrin emulsifiable concentrates.
14. Copper oxychloride dusting powders.
15. Copper oxychloride water dispersible powder concentrates.
16. Parathion emulsifiable concentrates.
17. Formulations based on phenyl mercury acetate.
18. Formulations based on stabilised methoxy ethyl mercury chloride concentrate.
19. Malathion emulsifiable concentrates.

ANNEXURE II

Specifications for pesticides and their formulations

Pesticides and their formulations	Indian Standard Specifications Nos.
1. BHC, technical	IS: 560—1961
2. BHC dusting powders	IS: 561—1962
3. BHC water dispersible powder concentrates	IS: 562—1962
4. BHC emulsifiable concentrates	IS: 632—1958

Pesticides and their formulations	Indian Standard Specifications Nos.
5. DDT dusting powders	IS: 564—1961
6. DDT water dispersible powder concentrates	IS: 565—1961
7. DDT emulsifiable concentrates	IS: 633—1958
8. Pyrethrum extracts	IS: 1051—1957
9. Dieldrin emulsifiable concentrates	IS: 1054—1962
10. Zinc phosphide	IS: 1251—1958
11. Aldrin emulsifiable concentrates	IS: 1307—1958
12. Aldrin dusting powders	IS: 1308—1958
13. Endrin emulsifiable concentrates	IS: 1310—1958
14. Copper oxychloride dusting powders	IS: 1506—1959
15. Copper oxychloride water dispersible powder concentrates	IS: 1507—1959
16. Parathion emulsifiable concentrates	IS: 2129—1962
17. Formulations based on phenyl mercury acetate	IS: 2357—1963
18. Formulations based on stabilised methoxy ethyl mercury chloride concentrate	IS: 2358—1963
19. Malathion emulsifiable concentrates	IS: 2567—1963

ANNEXURE III

Draft rules proposed to be made under section 17 of the Export (Quality Control and Inspection) Act, 1963

1. **Short title and commencement.**—(1) These rules may be called the Export of Pesticides and their Formulations (Inspection) Rules, 1969.

(2) They shall come into force on

2. **Definitions.**—In these rules unless the context otherwise requires—

(a) 'Act' means the Export (Quality Control and Inspection) Act, 1963 (22 of 1963);

(b) 'Agency' means any one of the agencies recognised under section 7 of the Act;

(c) 'pesticides and their formulations' means the pesticides and their formulations specified in the Schedule to this notification.

3. **Basis of inspection.**—Inspection of pesticides and their formulations shall be carried out with a view to seeing that the same conform to the specifications recognised by the Central Government under section 6 of the Act.

4. **Procedure of inspection.**—(1) An exporter intending to export pesticides and their formulations shall give intimation in writing of his intention so to do and submit along with such intimation a declaration as to the agreed specifications of the export contract to any one of the agencies to enable them to carry out the inspection in accordance with rule 3.

(2) Every intimation and declaration under sub-rule (1) shall be given not less than 15 days before the expected date of shipment.

(3) On receipt of the intimation and declaration under sub-rule (2), the Agency shall carry out the inspection of pesticides and their formulations in accordance with rule 3 and the instructions issued in this behalf by the Export Inspection Council from time to time.

(4) If after inspection, the agency is satisfied that the consignment of pesticides and their formulations to be exported complies with the requirements of rule 3, it shall, within 15 days of the receipt of the intimation and declaration under sub-rule (2) issue a certificate to the exporter declaring the consignment as exportworthy.

5. **Place of Inspection.**—Every inspection under the rules shall be carried out either (a) at the premises of the manufacturer or (b) at the premises at which the goods are offered by the exporter provided adequate facilities for the purpose exists therein.

6. **Inspection Fee.**—A fee at the rate of 20 paise for every one hundred rupees of the f.o.b. value of each such consignment shall be paid as inspection fee under these rules.

7. **Appeal.**—(1) Any person aggrieved by the refusal of the Agency to issue a certificate under sub-rule (4) of rule 4 may, within 10 days of the receipt of the communication of such refusal by him, prefer an appeal to a panel of experts consisting of not less than 3 persons as may be appointed for the purpose by the Central Government.

(2) The decision of the panel of experts on such appeal shall be final.

THE SCHEDULE

(See Rule 2)

1. BHC, Technical.
2. BHC dusting powders.
3. BHC water dispersible powder concentrates.
4. BHC emulsifiable concentrates.
5. DDT dusting powders.
6. DDT water dispersible powder concentrates.
7. DDT emulsifiable concentrates.
8. Pyrethrum extracts.
9. Dieldrin emulsifiable concentrates.
10. Zinc phosphide.
11. Aldrin emulsifiable concentrates.
12. Aldrin dusting powders.
13. Endrin emulsifiable concentrates.
14. Copper oxychloride dusting powders.
15. Copper oxychloride water dispersible powder concentrates.
16. Parathion emulsifiable concentrates.
17. Formulations based on phenyl mercury acetate
18. Formulations based on stabilised methoxy ethyl mercury chloride concentrate.
19. Malathion emulsifiable concentrates.

[No. F. 60(14)/69-Exp. Insp.]

A. C. BANERJEE, Jt. Secy.